

Indiana Balance of State Continuum of Care

APPEALS POLICY AND PROCEDURES FOR THE INDIANA BALANCE OF STATE COC PROGRAM COMPETITIVE APPLICATION PROCESS

Effective Date: June 25, 2017

Purpose

The purpose of the appeals procedure is to settle disagreements between an applicant organization and/or grantee and the Indiana Balance of State Continuum of Care (BOS CoC) as quickly and as fairly as possible. Where the appeal arises as a result of a project applicant organization objecting to actions and/or decisions taken by the Resource and Funding Committee or the full Indiana Balance of State Continuum of Care Board (CoC Board), the appeal process must proceed as expeditiously as possible to ensure an equitable and efficient Continuum of Care Program Consolidated Application (CoC Application) process. In order to reach this goal, the BOS CoC Board shall establish a CoC Appeal Subcommittee to review, respond to and adjudicate appeals. The Board vests in this Subcommittee the authority to make all decisions concerning appeals and its decisions are final.

Policy

Criteria for an Appeal

An appeal may be filed by any CoC funded renewal project or any agency applying for a new project that claims it has been adversely affected by:

1. Improper application or interpretation of HUD or CoC rules and regulations concerning participation of the appellant in the CoC Application process, or
2. Disparity in the application of HUD or CoC rules, regulations and procedures regarding the participation of the appellant in the CoC Application process.

Appeals may be made whenever a decision has been made that may have an adverse effect on an applicant organization. This includes the score received by a renewal or new project application, a reduction in grant amount of renewal funds, or the ranking in the project priority list of new and renewal applications.

Procedures

Overview

The appeals process is a two-step process: First, IHCD, acting as the Collaborative Applicant for the Indiana Balance of State Continuum of Care, will conduct an informal review on behalf of the CoC Appeals Committee to settle technical and/or procedural matters expeditiously. The Collaborative Applicant's role is to prepare an annual CoC Application for the CoC Board. In this role, the Collaborative Applicant will resolve technical matters during the informal review process. If the informal review of the appeal does not satisfy the concerns of the appellant, the matter will advance to a formal appeal process conducted by the Indiana Balance of State Appeals Committee.

Informal Review

To be considered for an informal review, an applicant organization must submit an appeal, in writing, based on one of the two criteria listed above to [enter email address] with the phrase “Informal Review” in the subject line no later than five (5) business days after the event that caused the appeal. The events that can cause an appeal include any decision made by the CoC Board or relevant committee that will impact the score of renewal or new applications or the ranking of projects in the project priority list. The five (5) business days for filing an appeal start on receipt of a scoring or ranking decision from the CoC.

The Collaborative Applicant will respond within five (5) business days of receipt of the appeal request.

Formal Appeals Procedure

If the informal review fails to resolve the matter, the applicant organization may then pursue a Formal Appeal with the IN-BOS Appeals Committee. The following steps must be followed in the order given. An applicant organization may not omit a step.

Step 1

In order to be considered, an appeal must be filed in writing with the IN-BOS CoC within five (5) business days of the response to the informal review and submitted to [enter email] with the term “Appeal” in the subject line. The appeal must be based on one of the two criteria for an appeal and include facts that support the appeal.

The IN-BOS Appeals Committee has five (5) business days from receipt of the appeal to investigate, contact the applicant organization if necessary and respond in writing.

Step 2

If the applicant organization is not satisfied with the determination of the IN-BOS Appeals Committee, the applicant organization can appeal directly to HUD pursuant to the current NOFA for the CoC Program.